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UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA,  
SAN FRANCISCO HEADQUARTERS

TROY A. ASHMUS,  
Petitioner,  
v.  
MICHAEL MARTEL, Acting Warden of  
California State Prison at San Quentin,  
Respondent.

) Case Number 3:93-cv-00594-TEH  
)  
) DEATH PENALTY CASE  
)  
) **STIPULATION AND ~~[PROPOSED]~~ ORDER**  
) **AMENDING POST-HEARING BRIEFING**  
) **SCHEDULE**  
)  
)  
)

Pursuant to Northern District Civil Local Rules 6-1 and 6-2, petitioner Troy A. Ashmus (“petitioner”) hereby requests, and respondent Michael Martel (“respondent”) hereby agrees, that the Court amend the post-hearing briefing schedule, agreed to by the parties on May 2, 2011, and approved and filed by the Court on May 5, 2011. (Order Scheduling Post-Hearing Briefing, filed May 5, 2011, ECF Doc. 489 (“Scheduling Order”).) Petitioner seeks, and respondent agrees, to alter

1 the post-hearing briefing filing dates by six weeks with respect to Petitioner's Opening Brief on  
 2 Claims Four and Five, and by two weeks with respect to Petitioner's Reply Brief on Claim Seven.

3 In support of this Stipulation and Request, petitioner proffers the following:

4 1. In accordance with this Court's Scheduling Order, petitioner must file Petitioner's  
 5 Opening Brief on Claims Four and Five on or before July 15, 2011. In addition, petitioner must file  
 6 the Petitioner's Reply Brief, if any, on Claim Seven on or before August 15, 2011.

7 2. Undersigned counsel for petitioner has been unable to complete Petitioner's Opening  
 8 Brief on Claim Four and Five on July 15, 2011, due to the exponential increase in workload  
 9 occasioned by the extraordinary and unexpected staff departures the Habeas Corpus Resource Center  
 10 has recently experienced, the complexity of the factual and legal issues presented by the record  
 11 before this Court and the recent United States Supreme Court decisions, and pre-arranged out-of-state  
 12 travel. Petitioner's further believes that these developments also will hinder counsel's ability to  
 13 complete and file Petitioner's Reply Brief on Claim Seven on or before August 15, 2011

14 3. Petitioner therefore requests, and respondent agrees, that the dates for complying with  
 15 the requirements of the Court's Scheduling Order for the filing of Petitioner's Opening Brief on  
 16 Claims Four and Five be extended by approximately six weeks and for the filing of Petitioner's Reply  
 17 Brief on Claim Seven by approximately two weeks and request that the Court issue the attached order  
 18 regarding the scheduling of post-hearing briefing.

19 Respectfully submitted,

20 Dated: July 7, 2011

/s/ Michael Laurence

21 MICHAEL LAURENCE  
 22 Habeas Corpus Resource Center  
 23 Attorney for Petitioner

24 Dated: July 7, 2011

/s/ Ronald S. Matthias

25 RONALD S. MATTHIAS  
 26 Senior Assistant Attorney General  
 27 Attorney for Respondent  
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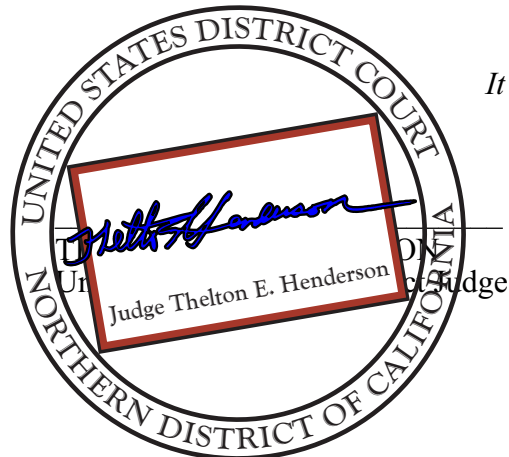
DEATH PENALTY CASE

~~PROPOSED~~ ORDER SCHEDULING POST-  
HEARING BRIEFING

PURSUANT TO STIPULATION, the parties are ordered:

1. On or before July 15, 2011, Respondent will file Respondent's Brief on Claim Seven. On or before September 1, 2011, Petitioner will file the Petitioner's Reply Brief, if any, on Claim Seven. Following the submission of briefing, the Court will schedule oral argument on Claim Seven.
2. On or before September 1, 2011, Petitioner will file Petitioner's Opening Brief on Claims Four and Five. On or before November 1, 2011, Respondent will file Respondent's Brief on Claims Four and Five. On or before December 1, 2011, Petitioner shall file the Petitioner's Reply Brief on Claims Four and Five. Following the submission of briefing, the Court will schedule oral argument on Claims Four and Five.

Dated: 07/11, 2011



*It is so ordered.*